

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:09-cr-153-1
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
DAVID C. BIGI (1),	:	
	:	
Defendant.	:	

**AMENDED ORDER OF RESTITUTION**

This criminal case came before the Court for sentencing on November 17, 2011. Prior to the tenth day before sentencing, the United States Probation Officer informed the Court pursuant to 18 U.S.C. § 3364(d)(5) that the victims' losses were not ascertainable at that time. As a result, the Court stayed restitution and set forth its intent to amend the Judgment Entry regarding restitution. (Doc. 270).

Pursuant to 18 U.S.C. §§ 3663A and 3664, the Court **ORDERS** that the following victims shall receive restitution in the form of the return of property at issue in Counts 2-14 of the Superseding Indictment:

Count 2:	Melissa Bell	2003 John Deere
Count 3:	Tom A. Froelich	2006 Bobcat
Count 4:	Brenda Stephenson	2004 Bobcat
Count 5:	John K. Demaree, II	2006 John Deere
Count 6:	Harry VanDriessche	2007 John Deere
Count 7:	Ryan Lieske	2005 John Deere
Count 8:	Jerome M. Woodgeard	2002 Bobcat
Count 9:	Steve Szemes	2005 Bobcat
Count 10:	Bryan Rutledge	2004 Bobcat
Count 11:	Christian L. Petersheim	2006 John Deere
Count 12:	J. Robert Balmer	2004 John Deere
Count 13:	James Weidenfeller	2003 Bobcat
Count 14:	CNA Insurance Express Center <sup>1</sup>	2006 John Deere

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<sup>1</sup> Subrogated to the interest of victim David A. Schultz d/b/a Excavating Unlimited.

The return of property shall satisfy Defendant's criminal restitution obligations to these victims. If not already returned, the Government is **ORDERED** to return the property at issue in these Counts to the above specified victims forthwith.

Pursuant to 18 U.S.C. § 3663A, Defendant shall pay restitution to the following victims in the following amounts equal to their amount of loss:

Count 4:	Brad Hoover	\$17,100.00
Count 7:	At Grade, Inc.	\$12,500.00
Count 8:	J.D. Carter	\$13,000.00
Count 10:	Tom Kieley	\$14,260.00
Count 14:	Mitch Giese	\$28,750.00

Restitution paid by Defendant shall first be distributed equally to Brad Hoover, J.D. Carter, Tom Kieley and Mitch Giese, and after they are paid in full, restitution paid by Defendant shall be distributed to At Grade, Inc.

The victims in Counts 2, 3, 5, 6, 9, 11, 12 and 13 all received compensation from insurance or some other source with respect to their loss. Pursuant to 18 U.S.C. § 3664(j)(1), restitution for these Counts shall be paid to the following entities in the following amounts of the victims' loss, only after restitution is paid in full to Brad Hoover, J.D. Carter, Tom Kieley and Mitch Giese and At Grade, Inc.:

Count 2:	Erie Insurance Company	\$ 9,000.00
Count 3:	Westfield Insurance Company	\$14,206.00
Count 5:	Erie Insurance Company	\$18,100.00
Count 6:	National Subrogation Services	\$16,600.00
Count 9:	Westfield Insurance Company	\$14,960.00
Count 11:	Cincinnati Insurance Company	\$25,000.00
Count 12:	Cincinnati Insurance Company	\$12,000.00
Count 13:	Erie Insurance Company	\$18,100.00

Restitution payments collected from Defendant shall be distributed as received in equal increments to each of these entities.

Defendant is **ORDERED** to and shall pay at least \$1,500 per month in restitution. Pursuant to 18 U.S.C. § 3664(k), Defendant shall notify the Court and the Attorney General of any material change in Defendant's economic circumstances that might affect Defendant's ability to pay restitution. The stay of restitution previously ordered is hereby lifted.

**IT IS SO ORDERED.**

Date: 2/16/12

Timothy S. Black  
Timothy S. Black  
United States District Judge